

## DECLARATION FOR PATENT APPLICATION

Docket Number (Optional)

P-9001

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled USER PROGRAMMABLE COMBINATION OF ATOMIZED PARTICLES FOR ELECTROMAGNETICALLY INDUCED CUTTING, the specification of which is attached hereto unless the following box is checked:

☐ was filed on \_\_\_\_\_ as United States Application Number or PCT International Application Number \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

None

(Number)

(Country)

(Day/Month/Year Filed)

Priority Claimed

☐ Yes ☐ No

(Number)

(Country)

(Day/Month/Year Filed)

☐ Yes ☐ No

(Number)

(Country)

(Day/Month/Year Filed)

☐ Yes ☐ No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

None

(Application Number)

(Filing Date)

(Status - patented, pending, abandoned)

(Application Number)

(Filing Date)

(Status - patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

KENTON R. MULLINS, Reg. No. 36,331

Address all telephone calls to KENTON R. MULLINS at telephone number 714-366-3600

Address all correspondence to KENTON R. MULLINS

PETERSON, IIXA &amp; MYERS

910 CALLE NEGOCIO, STE. 280

SAN CLEMENTE, CA 92673-6201

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name) IOANA M. RIZOIU

Inventor's signature *[Signature]*Date *X* August 31<sup>st</sup>, 1995

Residence Capistrano Beach, CA

Citizenship Romania

Post Office Address 35266 Camino Capistrano  
Capistrano Beach, CA 92624

Full name of second joint inventor, if any (given name, family name) ANDREW I. KIMMEL

Second Inventor's signature *[Signature]*Date *X* August 31, 1995

Residence San Clemente, CA

Citizenship US

Post Office Address 235 Via Ballena  
San Clemente, CA 92672

☐ Additional inventors are being named on separately numbered sheets attached hereto.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

MARCH 06, 1996

PTAS

KENTON R. MULLINS  
910 CALLE NEGOCIO, STE. 280  
SAN CLEMENTE, CA 92673



\*100091001A\*

MAR 15 1996

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231

RECORDATION DATE: 08/31/1995

REEL/FRAME: 7686/0793  
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
RIZOIU, IOANA M.

DOC DATE: 08/31/1995

ASSIGNOR:  
KIMMEL, ANDREW I.

DOC DATE: 08/31/1995

ASSIGNEE:  
BIOLASE TECHNOLOGY, INC.  
981 AMANECER  
SAN CLEMENTE, CALIFORNIA 92673

SERIAL NUMBER: 08522503  
PATENT NUMBER:

FILING DATE: 08/31/1995  
ISSUE DATE:

JACQUELINE MOORE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

WHEN RECORDED, RETURN TO:

Kenton R. Mullins  
Peterson, Uxa & Myers  
910 Calle Negocio  
Suite 280  
San Clemente, CA 92673-6201

P-9001

ASSIGNMENT

WHEREAS, we, IOANA M. RIZOIU the County of Orange, State of California and ANDREW I. KIMMEL of the County of Orange, State of California, have invented certain new and useful improvements in USER PROGRAMMABLE COMBINATION OF ATOMIZED PARTICLES FOR ELECTROMAGNETICALLY INDUCED CUTTING for which the said IOANA M. RIZOIU has this 31<sup>st</sup> day of August, 1995, executed application papers for United States Letters Patent thereon, and for which the said ANDREW I. KIMMEL has this 31<sup>st</sup> day of August, 1995, executed application papers for United States Letters Patent thereof; and

WHEREAS, BIOLASE TECHNOLOGY, INC., a Corporation of the State of Delaware, hereinafter called Assignee, having its place of business at 981 Calle Amanecer, San Clemente, CA 92673 is desirous of acquiring the entire right, title and interest in and to the aforesaid invention and in and to any and all Letters Patent therefor granted in the United States of America, and in any and all countries foreign thereto;

NOW, THEREFORE, TO WHOM IT MAY CONCERN, be it known that, for and in consideration of the sum of ONE DOLLAR (\$1.00) to us in hand paid by Assignee, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, we, IOANA M. RIZOIU and ANDREW I. KIMMEL by these presents sell, assign and transfer unto Assignee, its successors and assigns, the full and exclusive right, title and interest for the territory of the United States of America and all countries foreign thereto (including the right to apply for Letters Patent in foreign countries in its own name and to claim any priority rights for such foreign applications to which such applications are entitled under international conventions, treaties, or otherwise), in and to the said invention as described in said application, and in and to all Letters Patent granted therefor, and all divisions, reissues and continuations thereof, and we hereby authorize and request the Commissioner of Patents and Trademarks to issue all Letters Patent on said inventions or resulting therefrom to said Assignee, as assignee of the entire right, title and interest, and we covenant that we have full right so to do and agree that we will communicate to said Assignee, or its successors any and all facts known to us regarding said invention whenever requested and will testify in any legal proceeding, sign all lawful papers, execute all divisional, reissue and continuation applications, and generally do everything

RECORDED  
JAT  
F

11-15-1995

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

08/522503



100091001

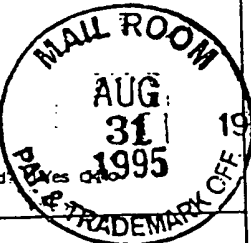
original documents or copy thereof.

To the: Honorable Commissioner of Patents

1. Name of conveying party(ies):

IOANA M. RIZOIU  
ANDREW I. KIMMEL

Additional name(s) of conveying party(ies) attached? ☒ Yes ☐ No



2. Name and address of receiving party(ies)

Name: BIOLASE TECHNOLOGY, INC.

Internal Address:



10/19/95

3. Nature of conveyance:

☒ Assignment

☐ Merger

☐ Security Agreement

☐ Change of Name

☐ Other

Street Address: 981 AMANECER  
SAN CLEMENTE, CA 92673

Additional name(s) & address(es) attached? ☐ Yes ☐ No

Execution Date: August 31, 1995

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: August 31, 1995

A. Patent Application No.(s)

B. Patent No. (s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: KENTON R. MULLINS

Internal Address:

Street Address: 910 Calle Negocio  
Suite 280  
San Clemente CA 92673

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41).....\$ 40.00

☒ Enclosed (included in filing fee)

☐ Authorized to be charged to deposit account

8. Deposit account number:

(Attach duplicate copy of this page if paying by deposit account)

110 MG 09/18/95 08522503

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Kenton R. Mullins  
Name of Person Signing

Kenton R. Mullins  
Signature

8/31/95  
Date

4

Total number of pages including cover sheet, attachments and document

possible to aid said Assignee, its successors and assigns, to obtain and enforce proper patent protection for said invention in all countries.

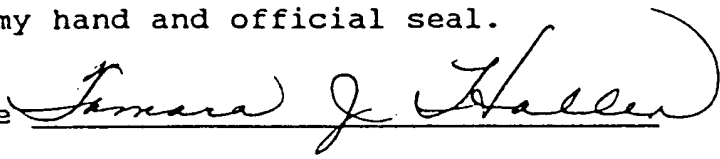
Executed this 31 day of August, 1995

  
IOANA M. RIZOIU

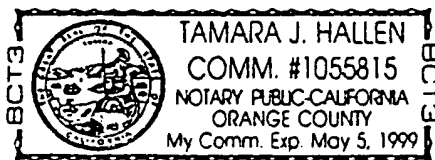
STATE OF CALIFORNIA     )  
                                  )  
COUNTY OF                )

On August 31, 1995, before me  
Tamara J. Hallen personally appeared  
IOANA M. RIZOIU personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

Signature 

SEAL



Executed this 31 day of August, 1995.

Andrew I. Kimmel  
ANDREW I. KIMMEL

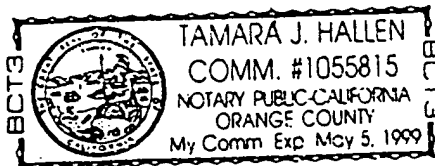
STATE OF CALIFORNIA     )  
                                      )  
COUNTY OF                     )

On August 31, 1995, before me  
Tamara J. Hallen personally appeared  
ANDREW I. KIMMEL personally known to me (or proved to me  
on the basis of satisfactory evidence) to be the person(s) whose  
name(s) is/are subscribed to the within instrument and acknowledged  
to me that he/she/they executed the same in his/her/their  
authorized capacity(ies), and that by his/her/their signature(s) on  
the instrument the person(s) or the entity upon behalf of which  
the person(s) acted, executed the instrument.

Witness my hand and official seal.

Signature Tamara J. Hallen

SEAL



VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(d) & 1.27(c))—SMALL BUSINESS CONCERN

Docket Number (Optional)

P-9001

Applicant or Patentee: Ioana M. Rizoiu et al.

Serial or Patent No.: \_\_\_\_\_

Filed or Issued: Herewith

Title: USER PROGRAMMABLE COMBINATION OF ATOMIZED PARTICLES FOR  
ELECTROMAGNETICALLY INDUCED CUTTING

I hereby declare that I am

☐ the owner of the small business concern identified below;

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN BIOLASE TECHNOLOGY, INC.

ADDRESS OF SMALL BUSINESS CONCERN 981 Calle Amanecer

San Clemente, CA 92673

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12 and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

☐ the specification filed herewith with title as listed above.

☐ the application identified above.

☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

☒ no such person, concern, or organization exists.

☐ each such person, concern or organization is listed below.

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Donald A. LaPoint

TITLE OF PERSON IF OTHER THAN OWNER Chief Executive Officer

ADDRESS OF PERSON SIGNING 6 Chipper Road, Frontenac, MO 63131

SIGNATURE

Donald A. LaPoint

DATE

AUGUST 31, 1995

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(b))--INDEPENDENT INVENTOR

Docket Number (Optional)  
P-9001

Applicant or Patentee Ioana M. Rizoiu et al.

Serial or Patent No.: \_\_\_\_\_

Filed or Issued: Herewith

Title: USER PROGRAMMABLE COMBINATION OF ATOMIZED PARTICLES FOR  
ELECTROMAGNETICALLY INDUCED CUTTING

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees to the Patent and Trademark Office described in:

- ☒ the specification filed herewith with title as listed above.  
☐ the application identified above.  
☐ the patent identified above.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☐ No such person, concern, or organization exists.  
☒ Each such person, concern or organization is listed below.

BIOLASE TECHNOLOGY, INC.,  
981 Calle Amanecer  
San Clemente, CA 92673

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

IOANA M. RIZOIU  
NAME OF INVENTOR  
[Signature]  
Signature of inventor  
August 31, 1995  
Date

ANDREW I. KIMMEL  
NAME OF INVENTOR  
[Signature]  
Signature of inventor  
August 31, 1995  
Date

NAME OF INVENTOR  
\_\_\_\_\_  
Signature of inventor  
\_\_\_\_\_  
Date